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December 10, 2014

**VIA ELECTRONIC AND U.S. MAIL**

Ms. Caroline Kwan  
Remedial Project Manager  
Special Projects Branch  
Emergency and Remedial Response Division  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 20th Floor  
New York, New York 10007-1866

Re: Progress Report No. 41 – November 2014  
Newtown Creek Remedial Investigation/Feasibility Study

Dear Ms. Kwan:

Anchor QEA is submitting this monthly progress report for the Newtown Creek Remedial Investigation/Feasibility Study (RI/FS) on behalf of the Newtown Creek Group (NCG) Respondents to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). As set forth in Section 42 of said Settlement Agreement, this progress report is divided into the following areas:

1. Actions taken to comply with the Settlement Agreement during the previous month
2. Results of sampling and tests and all other data received by Respondents to the Settlement Agreement during the previous month
3. Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays
4. Work planned for the next 2 months with schedules relating to the overall project schedule for RI/FS completion

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### ***1. Actions Taken to Comply with Settlement Agreement during Previous Month***

- A monthly update meeting was held with USEPA in New York City on November 6. Topics discussed during this meeting included the following: 1) Phase 2 field program update; and 2) point sources sampling update.
- The *Phase 2 RI Field Program –QAPP/FSAP Deviation Memorandum No. 5* was submitted to USEPA on November 14. This memorandum described deviations associated with the following: 1) groundwater sampling rate at location NC267; 2) broken sample containers; 3) missing shake tests; 4) un-submitted trip blanks; 5) procedures for deploying sediment traps and prioritizing analytes when insufficient sediment mass was obtained; 6) sediment trap sample nomenclature; 7) sediment trap sample analysis for grain size distribution; 8) analyte prioritization for porewater membrane samplers when insufficient volume was obtained; 9) sampling location for East River surface water sampling; and 10) insufficient sediment recovery at location NC295SC-A. Revised *Phase 2 Quality Assurance Project Plan* (Phase 2 QAPP) Worksheet Nos. 15, 19, and 30 and the *Phase 2 Field Sampling and Analysis Plan – Volume 2* (Phase 2 FSAP Volume 2) Table B9-6 were also provided.
- A proposed replacement location for the Motiva Brooklyn Terminal groundwater sampling site was provided to USEPA on November 17. This replacement location (NC320) was proposed due to the inability to install a well at the original Motiva location due to the nature of the sediments and native materials present there. The NCG and USEPA discussed comments on this proposed location and approved this location for sampling during a teleconference on November 19. A thick clay/silt unit was subsequently found immediately below the soft sediments at this location, which precluded completing a well in native material in this area. The NCG and USEPA discussed the stratigraphy around NC320, as described by the field crew, and alternate plans for completing wells in this area during teleconferences on November 25 and December 2. On December 2, USEPA approved an alternate plan to install an in-creek well in the soft sediments adjacent to the Pulaski Bridge and two upland wells within a right-of-way along McGuinness Boulevard.
- Comments on the draft *Modeling Approach Memorandum (2)* (MAM2) were provided by USEPA on November 18.
- On November 17, the New York City Department of Environmental Protection (NYCDEP) refused to deploy point sources sampling equipment at NCB-432 in

accordance with USEPA-approved *Phase 2 Remedial Investigation Work Plan – Volume 2* (Phase 2 RI Work Plan Volume 2) specifications. As a result, a teleconference between USEPA, the NCG, and NYCDEP was held on November 20 to discuss concerns with the approved sampling procedures. On November 21, USEPA issued an e-mail that provided direction on how to sample low flow point source discharges, including an option for the NCG to modify the proposed procedure and methods. On November 26, the NCG formally invoked Dispute Resolution regarding USEPA's November 21, 2014 e-mail directive regarding modifying the sampling approach for point sources samples. The NCG believes the USEPA approach will create low-biased results; therefore, the NCG is also researching alternative procedures and methods for consideration during sampling.

- The final Phase 2 RI Work Plan Volume 2, Phase 2 FSAP Volume 2, and draft *Sources Sampling Approach Memorandum* (SSAM), which address the additional comments provided by USEPA on November 6, was submitted to USEPA on November 21. USEPA approved the final Phase 2 RI Work Plan on November 24.
- The Phase 2 field investigation continued in November. Specifically, the following activities were performed:
  - Acoustic Doppler current profilers (ADCPs) and sondes (retrieval, cleaning, and redeployment the week of November 3)
  - Groundwater investigation activities (continued through November)
  - East River surface water sampling (week of November 17)
  - Sediment traps (retrieved, sampled, and redeployed week of November 3)
  - Caged bivalves were retrieved and submitted to the laboratory for processing (week of November 17)
  - Point sources
    - NYCDEP combined sewer overflow (CSO) sampling wet-weather wet run at NCB-015 (November 6)
    - Getty Terminals Corp #58220 site visit (November 14)
    - Amtrak Sunnyside Yard reconnaissance visit (November 14)
    - First wet-weather sampling event (November 17)
      - Samples collected from five locations (Meeker Avenue, NCQ-632, Former Laurel Hill Site, NCQ-633, and Malu Properties/Formal Ditmas Oil/Formal Gulf Oil)

- Samples not collected from Long Island Expressway (due to a locked gate), NCB-432 (due to NYCDEP refusing to install sampling equipment), and Motiva Brooklyn Terminal (due to insufficient water volume for discharge)
- The following activities continued in November:
  - Phase 2 field program planning and implementation
  - Preparation of responses to USEPA comments on the draft *Preliminary Modeling Results Memorandum* (PMRM)

## ***2. Results of Sampling and Tests and Other Data Received by NCG Respondents during Previous Month***

- Quality control (QC) review of field data from the Phase 2 sediment trap sampling (Event 5) and fish and crab tissue sampling (Event 2) was completed. The data for these program elements are included on the enclosed compact disc (CD). Additionally, QC review of the 10-day survival toxicity tests and 28-day bioaccumulation evaluation was completed, and these reports are also included on the attached CD.

## ***3. Encountered and Anticipated Problems and/or Delays and Solutions Developed and Implemented to Address Them***

- Procedures for sampling point sources are specified in the USEPA-approved Phase 2 RI Work Plan Volume 2. NYCDEP's refusal to install monitoring equipment at NCB-432 in a manner consistent with the specifications in the USEPA-approved Phase 2 RI Work Plan Volume 2 during the first wet-weather sampling event on November 17 has required further technical discussions with USEPA, which delayed the point sources sampling program. On November 21, USEPA directed the NCG to modify the sampling procedures for low flow discharges described in the USEPA-approved Phase 2 RI Work Plan. On November 26, the NCG formally invoked Dispute Resolution on these procedures to avoid biased sample results. As a result, point sources sampling will not be performed for low flow discharges until the disputed protocols and procedures have been resolved. Point sources sampling of discharges not affected by the disputed procedures will continue as planned.

***4. Work Planned for the Next 2 Months with Schedules Relating to the Overall Project Schedule for RI/FS Completion***

- Project update meetings with USEPA are scheduled for December 11, 2014, and January 23, 2015.
- NCG responses to USEPA comments on the draft PMRM are planned for submission in December.
- NCG responses on the comments on the draft MAM2 are planned for submission to USEPA in December.
- Continue the Phase 2 field investigation in December and January, including:
  - Groundwater investigation activities
  - ADCPs and sondes retrieval, cleaning, and redeployment
  - East River surface water sampling
  - Sediment trap retrieval and redeployment
  - Point sources sampling will not be performed at locations with low flow discharges until the disputed protocols and procedures for sampling such discharges are resolved to avoid biased sample results. Point sources sampling at locations not affected by the disputed protocols and procedures will be performed if necessary storm events occur.
  - Point sources sample locations at NYCDEP sampling locations cannot be sampled until the following issues are resolved:
    - Traffic control at BB-009 (the replacement location for BB-013), NCB-083, and NCQ-029 – Traffic control permits need to be secured from the New York City Department of Transportation (NYCDOT) to sample these outfalls. (Locations that were feasible without traffic control permits were tidally inundated.)
    - An access agreement is still needed for Queens District 5/5a Garage with Department of Sanitation New York (DSNY) and two locations where CSO sampling occurs on NYCDOT property (NCB-015 and NCB-022). Both of these agreements have been signed by Anchor QEA but are awaiting final execution from DSNY and NYCDOT.

- Sampling cannot occur at the following other point sources locations until access agreements are finalized:
  - o O-193: Green Asphalt Company – Current owner of Review Avenue Development I (*Data Applicability Report* [DAR] No. 41)
  - o NCQ-422: Quadrozzi Realty – Current owner at Maspeth Concrete Loading Corp. (DAR No. 210)

If you have any questions regarding this progress report, please do not hesitate to contact me at (201) 571-0912 (e-mail: [jquadrini@anchorqea.com](mailto:jquadrini@anchorqea.com)).

Sincerely,



Jim Quadrini, P.E., BCEE  
Anchor QEA, LLC

cc: Joseph Battipaglia, USEPA Region 2 Co-Remedial Project Manager  
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